

The Honorable Edward F. Shea

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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON
 AT SPOKANE

SARAH BRADBURN, PEARL)	
CHERRINGTON, CHARLES)	
HEINLEN, and THE SECOND)	NO. CV-06-327-EFS
AMENDMENT FOUNDATION,)	
)	SUPPLEMENTAL DECLARATION
Plaintiffs,)	OF DAN HOWARD IN SUPPORT OF
)	NCRL'S MOTION FOR SUMMARY
v.)	JUDGMENT
)	
NORTH CENTRAL REGIONAL)	
LIBRARY DISTRICT,)	
)	
Defendant.)	
)	

SUPPLEMENTAL DECLARATION OF
 DAN HOWARD IN SUPPORT OF
 NCRL'S MOTION FOR SUMMARY
 JUDGMENT - 1

CV-06-327-EFS
 #657033 v1 / 42703-001

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1 I, Dan Howard, declare as follows:

2 1. I am over the age of 18 and competent to testify to the matters set
3 forth herein.
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5 2. Currently, I am the Director of Public Services for North Central
6 Regional Library.
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8 3. I evaluate patron requests to have Internet content unblocked.
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10 4. In support of their Opposition to NCRL's Motion for Summary
11 Judgment, Plaintiffs offered Ex. FFF, attached hereto. This exhibit purports to
12 summarize unblocking requests received by NCRL between 10/1/07 and
13 2/20/08, and includes NCRL's alleged response. I have carefully reviewed
14 Plaintiff's Ex. FFF and believe that clarifications are necessary.
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16 5. Plaintiff's maintain that it is unclear if, or how, NCRL responded to
17 11 of the 92 unblocking requests detailed in Exhibit FFF. With respect to each,
18 the following actions were taken:
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27 SUPPLEMENTAL DECLARATION OF
28 DAN HOWARD IN SUPPORT OF
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<u>Item # from Ex. FFF</u>	<u>Response to Patron</u>	<u>Reason</u>	<u>Action Taken with Requested Site</u>
#7	No contact made	Patron did not leave contact information.	NCRL was not able to confirm if "pitbul" was a site that was actually blocked, or that this was even the site the patron was requesting given the lack of information in the request. (Ex. A)
#10	No contact made	Patron did not leave contact information	Yahoo.com was available at this time. (Ex. B)
#65	No contact made	Patron did not leave contact information	Newgrounds.com was available at this time. (Ex. C)
#69	No contact made	Patron did not leave contact information	runescape.com is blocked at 5 banches (Wenatchee, Leavenworth, Quincy, Ephrata, and Soap Lake) due to technical problems with the older computer systems. Use of the website runescape.com at these 5 locations freezes up the Internet terminals making all the public computers unusable. These systems are being replaced this year. (Ex. D).

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#70	Letter sent January 9, 2008. (Ex. E)		The site stevehaworth.com remained blocked due to the presence of pornographic content (Ex. E)
#71	No contact made	Patron left the wrong telephone number	Google Images remains blocked. (Ex. F)
#72	E-mail dated January 10, 2008. (Ex. G)		The patron did not request a specific site or area of content and did not respond to NCRL's request for additional information. (Ex. G)
#74	No contact made	Patron did not leave contact information	Happyhacker.com remained blocked as it was properly categorized as a "hacking site" and this content is blocked by NCRL's filtering profile. (Ex. H)
#77	Email dated January 16, 2008. (Ex. I)		The site electricraystanning.com was immediately unblocked in response to this patron's request. (Ex. I)
#82	Letter dated January 26, 2008 (Ex. J)		The site popupmoney.info remained blocked as it

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			was properly categorized as “proxy avoidance” and this content is blocked by NCRL’s filtering profile. (Ex. J)
#83	No contact made	Patron’s contact information was incorrect	NCRL was not able to confirm if “goole” was a site that was actually blocked, or that this was even the site the patron was requesting given the lack of information in the request. (Ex. K)

6. Of the 93 unblocking requests on Ex. FFF, 63 were for sites that were blocked and 29 were for sites that were not blocked or were blocked for undetermined problems not related to the filter. These items numbers include: 3, 5, 6, 8, 9, 10, 16, 17, 24, 25, 27, 30, 40, 46, 47, 49, 51, 52, 55, 56, 57, 65, 66, 67, 72, 81, 83, 84, 89.

7. Notably, Plaintiffs also omitted the name of the site requested on Item #53 in Ex. FFF. The requested site was www.freeporn.com.

SUPPLEMENTAL DECLARATION OF
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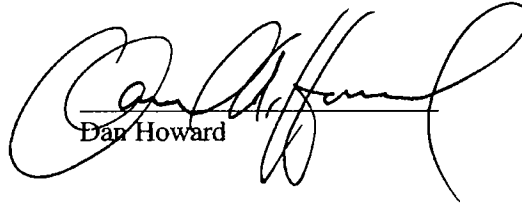
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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.
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5 Dated this 28th day of March, 2008 at Wenatchee,
6 Washington.

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9 Dan Howard

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27 SUPPLEMENTAL DECLARATION OF
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

Duncan Manville
1629 2nd Ave. W
Seattle, WA 98119

Aaron Caplan
ACLU of Washington
705 Second Ave., Ste. 300
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KARR TUTTLE CAMPBELL

By: 

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SUPPLEMENTAL DECLARATION OF
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